

MAY 17, 2017

**RULES COMMITTEE PRINT 115–18**  
**VET PROTECTION ACT OF 2017**

**[Showing the text of H.R. 1461 as ordered reported by the  
Committee on Veterans' Affairs]**

1 **SECTION 1. SHORT TITLE.**

2       This Act may be cited as the “Veterans, Employees,  
3 and Taxpayers Protection Act of 2017” or the “VET Pro-  
4 tection Act of 2017”.

5 **SEC. 2. LABOR MANAGEMENT IN DEPARTMENT OF VET-**  
6 **ERANS AFFAIRS.**

7       (a) IN GENERAL.—Chapter 7 of title 38, United  
8 States Code, is amended by adding at the end the fol-  
9 lowing new subchapter:

10       “SUBCHAPTER III—LABOR MANAGEMENT  
11 **“§ 741. Records on use of official time**

12       “(a) TRACKING OF OFFICIAL TIME.—The Secretary  
13 shall track the use of official time by employees of the  
14 Department of Veterans Affairs in a manner that accounts  
15 for such time accurately and to a specific degree without  
16 the use of estimates or ranges of time.

17       “(b) ANNUAL REPORT.—(1) Not later than Decem-  
18 ber 31 of each year, the Secretary shall submit to the Of-  
19 fice of Personnel Management and the Committees on

1 Veterans' Affairs of the House of Representatives and the  
2 Senate a report on the use of official time by employees  
3 of the Department during the most recently ended fiscal  
4 year.

5 “(2) Each report under paragraph (1) shall include,  
6 with respect to the fiscal year covered by the report, the  
7 following information:

8 “(A) The total amount of official time granted  
9 to employees.

10 “(B) The total amount of official time expended  
11 and the amount of official time expended per em-  
12 ployee for term negotiations, mid-term negotiations,  
13 general labor-management relations, and dispute  
14 resolution.

15 “(C) The specific types of activities or purposes  
16 for which official time was granted, and the impact  
17 which the granting of such official time for such ac-  
18 tivities or purposes had on the operations of the De-  
19 partment.

20 “(D) The total number of employees to whom  
21 official time was granted, and, of that total, the  
22 number who were not engaged in any activities or  
23 purposes except activities or purposes involving the  
24 use of official time.

1           “(E) The total annual salary, job title, and  
2           amount of official time afforded to any employee.

3           “(F) A description of any room or space des-  
4           ignated at the Department where official time activi-  
5           ties will be conducted, including the square footage  
6           of any such room or space.

7           “(G) A list of any employee granted a waiver  
8           under section 742(d) and justification for each such  
9           waiver.

10          “(c) DEFINITION OF OFFICIAL TIME.—For purposes  
11          of this section, the term ‘official time’ means any period  
12          of time—

13               “(1) which may be granted to an employee  
14               under chapter 71 of title 5 (including a collective  
15               bargaining agreement entered into under such chap-  
16               ter) or chapter 74 of this title to perform represen-  
17               tational or consultative functions; and

18               “(2) during which the employee would otherwise  
19               be in a duty status.

20          **“§ 742. Limitations on use of official time for certain**  
21               **purposes and individuals**

22               “(a) POLITICAL ACTIVITIES AND LOBBYING.—Not-  
23          withstanding section 7131 of title 5 or any other provision  
24          of law, any employee of the Department may not use offi-

1 cial time to carry out political activities or activities relat-  
2 ing to lobbying.

3 “(b) PROHIBITION ON USE OF OFFICIAL TIME BY  
4 CERTAIN EMPLOYEES.—The following employees of the  
5 Department may not use official time for any purpose:

6 “(1) Any employee appointed under section  
7 7401(1).

8 “(2) Any employee with an annual rate of basic  
9 pay equal to or greater than \$100,000.

10 “(3) Any employee who is serving a proba-  
11 tionary period.

12 “(c) LIMITATION ON ALL EMPLOYEES.—Any em-  
13 ployee of the Department not covered by subsection (b)  
14 may spend no more than 25 percent of the time such em-  
15 ployee would otherwise be in a duty status on official time.

16 “(d) WAIVER.—(1) The Secretary may waive the re-  
17 quirements of subsection (b) or (c) with respect to an em-  
18 ployee of the Department if the Secretary certifies, in writ-  
19 ing, that the waiver is reasonable, necessary, and in the  
20 best interests of veterans.

21 “(2) The authority provided to the Secretary under  
22 this subsection shall not be subject to bargaining under  
23 this title or chapter 71 of title 5, and the exercise of, or  
24 failure to exercise, such authority shall not be an unfair  
25 labor practice under this title or such chapter.

1       “(e) DEFINITION OF OFFICIAL TIME.—For purposes  
2 of this section, the term ‘official time’ has the meaning  
3 given that term in section 741(c).

4       **“§ 743. Termination of collection of dues**

5       “Notwithstanding section 7115 of title 5, any exclu-  
6 sive bargaining agreement entered into pursuant to chap-  
7 ter 71 of such title by the Department shall provide that  
8 an employee of the Department may terminate a voluntary  
9 allotment for the payment of dues at any time. Any deduc-  
10 tions for dues made pursuant to such allotment shall cease  
11 beginning on the first pay period after the termination is  
12 made.”.

13       (b) APPLICABILITY.—Sections 742 and 743 of title  
14 38, United States Code, as added by subsection (a), shall  
15 apply with respect to any collective bargaining agreement  
16 entered into before, on, or after the date of enactment of  
17 this Act.

18       (c) CLERICAL AMENDMENT.—The table of sections  
19 at the beginning of such chapter is amended by adding  
20 at the end the following:

“SUBCHAPTER III—LABOR MANAGEMENT

“741. Records on use of official time.

“742. Limitations on use of official time for certain purposes and individuals.

“743. Termination of collection of dues.”.

1 **SEC. 3. REQUIRED PROBATIONARY PERIOD FOR NEW EM-**  
2 **PLOYEES OF DEPARTMENT OF VETERANS AF-**  
3 **FAIRS.**

4 (a) PROBATIONARY PERIOD.—

5 (1) IN GENERAL.—Chapter 7 of title 38, United  
6 States Code, is further amended by inserting after  
7 section 717 the following new section:

8 **“§ 719. Probationary period for employees**

9 “(a) IN GENERAL.—Notwithstanding sections 3321  
10 and 3393(d) of title 5, the appointment of a covered em-  
11 ployee shall become final only after such employee has  
12 served a probationary period of 2 years.

13 “(b) COVERED EMPLOYEE.—In this section, the term  
14 ‘covered employee’—

15 “(1) means any individual—

16 “(A) appointed to a permanent position  
17 within the competitive service at the Depart-  
18 ment; or

19 “(B) appointed as a career appointee (as  
20 that term is defined in section 3132(a)(4) of  
21 title 5) within the Senior Executive Service at  
22 the Department; and

23 “(2) does not include any individual with a pro-  
24 bationary period prescribed by section 7403 of this  
25 title.

1       “(c) PERMANENT HIRES.—Not later than 90 days  
2 before the expiration of a covered employee’s probationary  
3 period under subsection (a), the supervisor of the em-  
4 ployee shall determine whether the appointment becomes  
5 final based on regulations prescribed for such purpose by  
6 the Secretary.

7       “(d) APPLICATION.—With respect to any individual  
8 described in subsection (b)(1)(A) and to whom this section  
9 applies, sections 7501(1) and 7511(a)(1)(A)(ii) of title 5  
10 shall be applied to such individual by substituting ‘com-  
11 pleted 2 years’ for ‘completed 1 year’ in each instance it  
12 appears.”.

13               (2) CLERICAL AND CONFORMING AMEND-  
14 MENTS.—

15               (A) CLERICAL.—The table of sections at  
16 the beginning of such chapter, as amended by  
17 section 2, is further amended by inserting after  
18 the item relating to section 717 the following  
19 new item:

“719. Probationary period for employees.”.

20               (B) CONFORMING.—Title 5, United States  
21 Code, is amended—

22                       (i) in section 3321(c)—

23                               (I) by striking “Service, or” and  
24                               inserting “Service,”; and

1 (II) by inserting at the end be-  
2 fore the period the following: “, or  
3 any individual covered by section 719  
4 of title 38”;

5 (ii) in section 3393(d), by inserting at  
6 the end before the period the following: “or  
7 section 719 of title 38”;

8 (iii) in sections 7501(1) and  
9 7511(a)(1)(A)(ii), by inserting “or section  
10 719 of title 38” after “title 10” in each in-  
11 stance it appears; and

12 (iv) in section 7541(1)(A)—

13 (I) by striking “title or” and in-  
14 serting “title,”; and

15 (II) by inserting at the end be-  
16 fore the semi-colon the following: “, or  
17 section 719 of title 38”.

18 (b) APPLICATION.—Section 719 of title 38, United  
19 States Code, as added by subsection (a)(1), shall apply  
20 to any covered employee (as that term is defined in sub-  
21 section (b) of such section 719, as so added) appointed  
22 after the date of the enactment of this Act.

